



# SUPPORTING SCHOOLS AND STUDENTS TO ACHIEVE

SHERRI YBARRA, SUPERINTENDENT OF PUBLIC INSTRUCTION



## Determining McKinney-Vento Eligibility: Changes under ESSA

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# OUTLINE

- **ESSA basics and timeline**
- **Data**
- **Understanding homelessness**
  - The dynamics of family and youth homelessness
  - The McKinney-Vento definition of *homeless*, including changes under ESSA, school selection, dispute resolution
- **Title I-A Set-Aside**
- **Required Liaison and responsibilities**
- **Next Steps and Q&A**



# ESSA Basics

*“After more than 10 years, members of Congress from both parties have come together to revise our national education law.”*



A handwritten signature of Barack Obama in black ink.

- The Every Student Succeeds Act (ESSA) was signed into law on Dec 10, 2015
- ESSA reauthorized the Elementary and Secondary Education Act (ESEA) and the education subtitle of the McKinney-Vento Act
- This presentation reflects the best information currently available, but may change as the U.S. Department of Education provides additional direction
- For more information, visit [www.serve.org/nche/legis/essa.php](http://www.serve.org/nche/legis/essa.php)



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# ESSA TIMELINE

**Dec 2015**

ESSA  
signed  
into law

**Jul 2016**

ED issues  
EHCY NRG

**Dec 10, 2016**

AFCP not  
*homeless*  
(except for  
covered states)

**Mar 2016**

ED issues  
NPRM on  
accountability  
and state  
plans

**Oct 1, 2016**

ESSA M-V  
amendments  
go into  
effect

**SY17-18**

Remaining  
ESSA  
amendments  
go into  
effect



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# HOMELESS DATA



# National School Data, 2013-2014

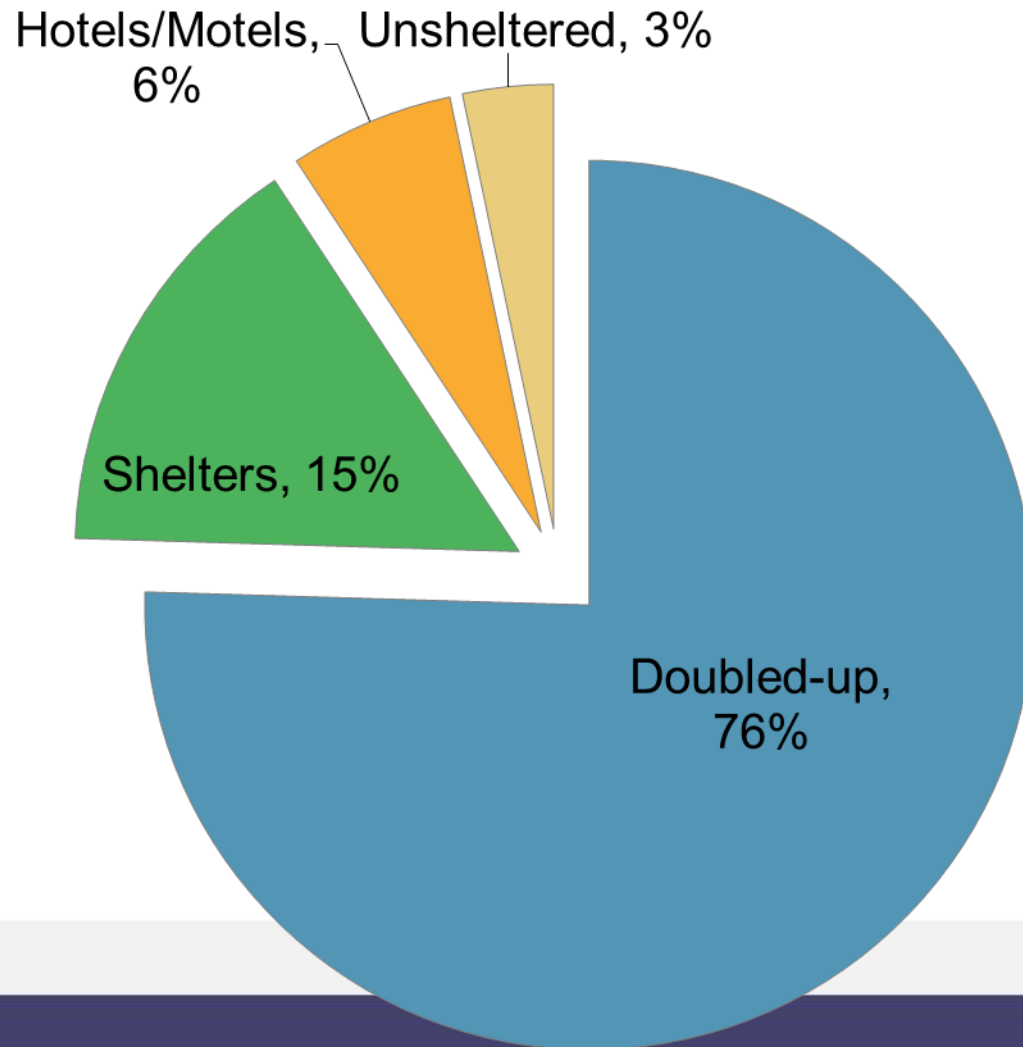
- **U.S. public schools enrolled 1,301,239 homeless children and youth (including public preschool) during the 2013-2014 school year, including**
  - 88,966 unaccompanied homeless students
  - 18,512 homeless migrant students
  - 190,785 homeless students with limited English proficiency
  - 220,405 homeless students with disabilities under IDEA





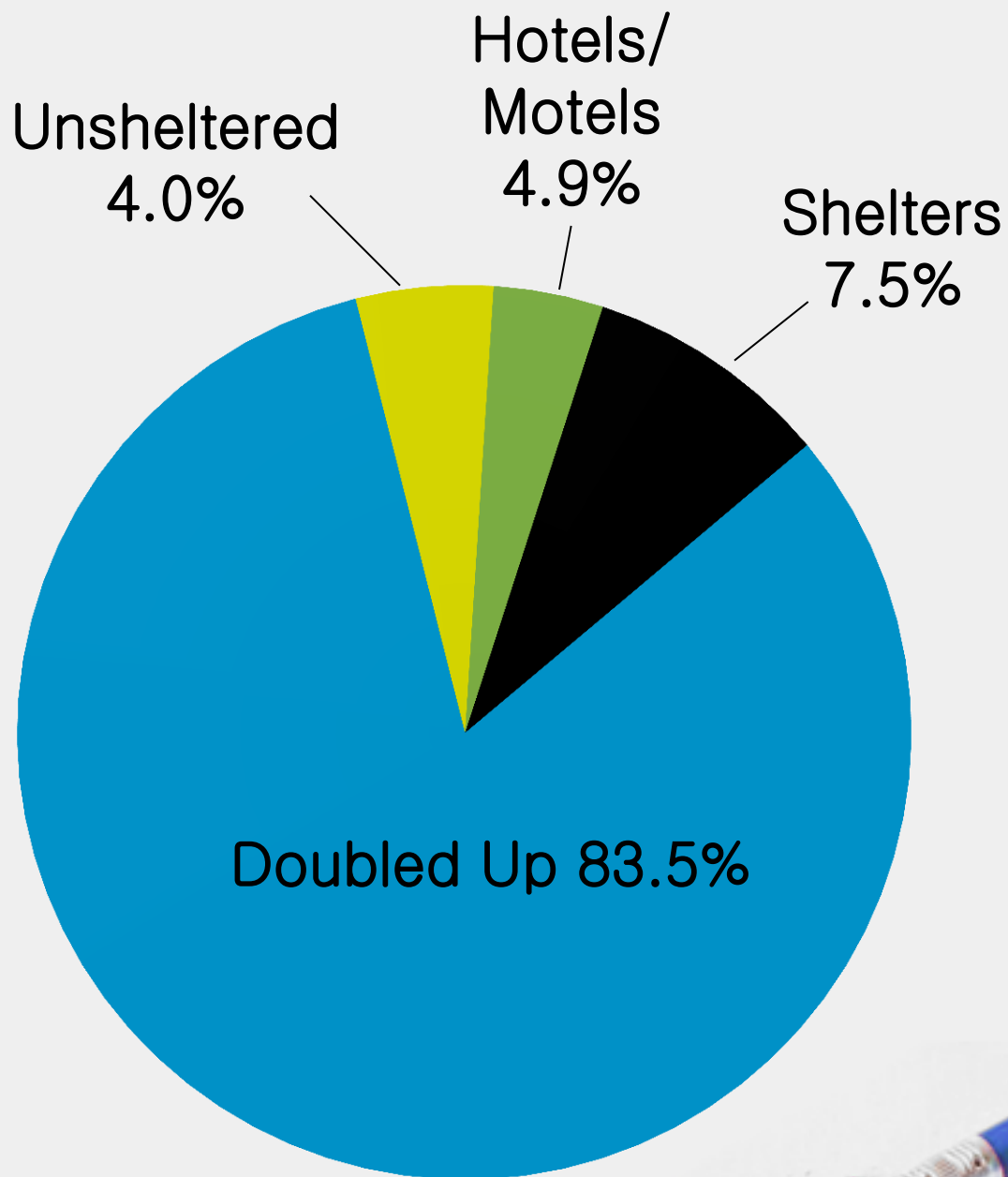
# National School Data, 2013-2014

## Enrolled by Primary Nighttime Residence



# Idaho Data by nighttime residence

6,447 students  
experienced  
homelessness\*

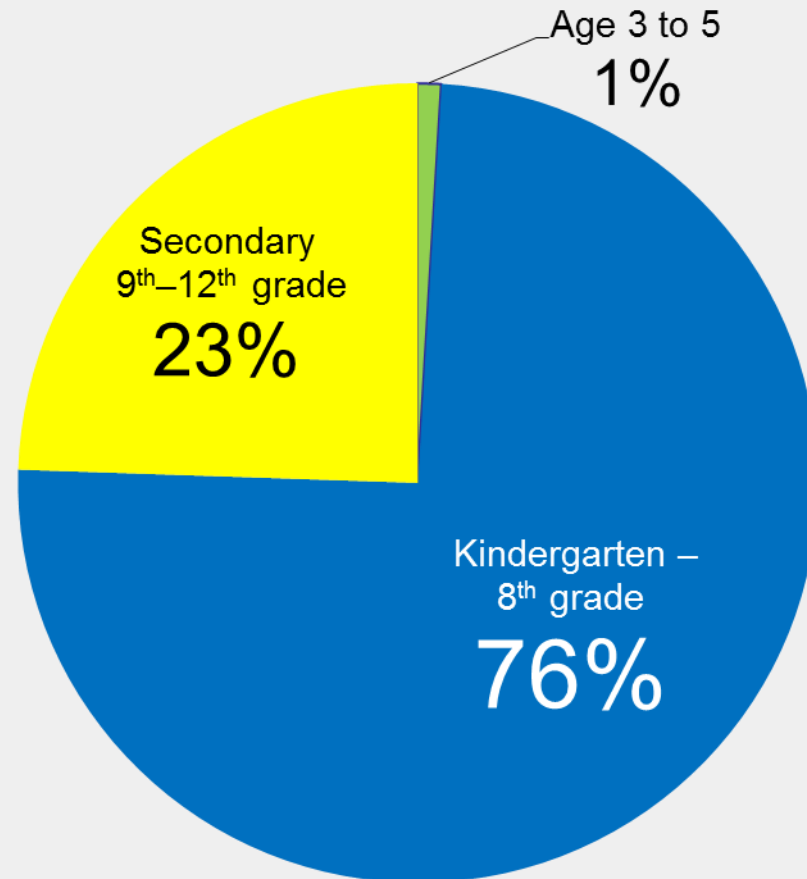


\*2013-14 CSPR



# Idaho data of homeless students by grade

6,447 students  
experienced  
homelessness\*

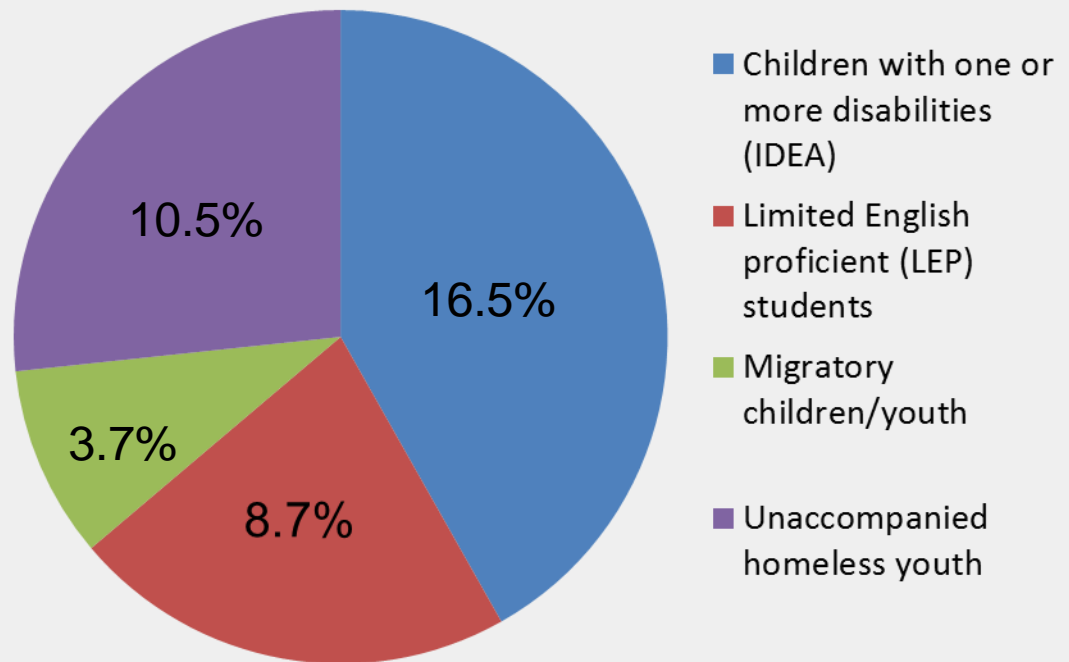


*\*2013-14 CSPR*



# Idaho data of homeless by students characteristics

6,447 students experienced homelessness\*



*\*2013-14 CSPR*



# Children and Students in Poverty

10% of children living in poverty will experience homelessness (Urban Institute)

- 2013-14 Idaho Department of Education data
  - 16,483,150 free or reduced lunches were served
  - 142,596 were eligible for Title I services  
10%=14,259

**Only 6,447 ID students were identified as homeless  
(2013-2014 CSPR)**



# Understanding Family Homelessness

- **Common causes of family homelessness**
  - Economic challenges (lack of affordable housing, poverty, unemployment/underemployment, single parenting/single income)
  - Health challenges (disabilities, mental health issues, substance abuse)
  - Domestic violence



# Understanding Youth Homelessness

## ■ Common causes of youth homelessness

- Abuse or neglect
- Acute conflict (pregnancy, sexual orientation, gender identity, blended family issues, substance abuse)
- Economic challenges (pressure for older children to be financially independent)
- Shelter policies (lack of space for whole family, adolescent boys sent to adult shelters)



# McKinney-Vento Definition of Homeless

- Children or youth who **lack a fixed, regular, and adequate nighttime residence**, including children and youth:
  - Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason
  - Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations
  - Living in emergency or transitional shelters, or are abandoned in hospitals\*

*ESSA removes “awaiting foster care placement” from the definition of homeless with a staggered implementation timeline.*



# MCKINNEY-VENTO DEFINITION OF HOMELESS

- Living in a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
- Migratory children living in the above circumstances
  - Pub. L. No. 114-95, § 9105(a)(1)(B), 129 Stat. 2137
- The term *unaccompanied youth* includes a **homeless child or youth** not in the physical custody of a parent or guardian

Pub. L. No. 114-95, § 9105(a)(3), 129 Stat. 2137





# What do Fixed, Regular, and Adequate mean?

- **Fixed**
  - Stationary, permanent, and not subject to change
- **Regular**
  - Used on a predictable, routine or consistent basis
- **Adequate**
  - Sufficient for meeting both the physical and psychological needs typically met in home environments

**Can the student go to the SAME PLACE (fixed)  
EVERY NIGHT (regular) to sleep in a SAFE AND  
SUFFICIENT SPACE (adequate)?**



# Important Eligibility Considerations

- Reference legislative wording
- Make determinations on a case-by-case basis based on the circumstances of each child
- Understand that some cases will be clear-cut; others will require further inquiry and a more comprehensive analysis
- Use fixed, regular, and adequate as guiding principles



# Awaiting Foster Care Placement

- As of Dec 10, 2016 (not covered states)
  - Children awaiting foster care placement will no longer be considered homeless and will therefore not be eligible for McKinney-Vento services unless they meet the revised definition of *homeless*
  - Children in any stage of child welfare involvement will be served under Title I, Part A as part of new ESSA provisions related to educational stability for children and youth in foster care

EHCY Non-Regulatory Guidance, Question A-2



# UNACCOMPANIED HOMELESS YOUTH

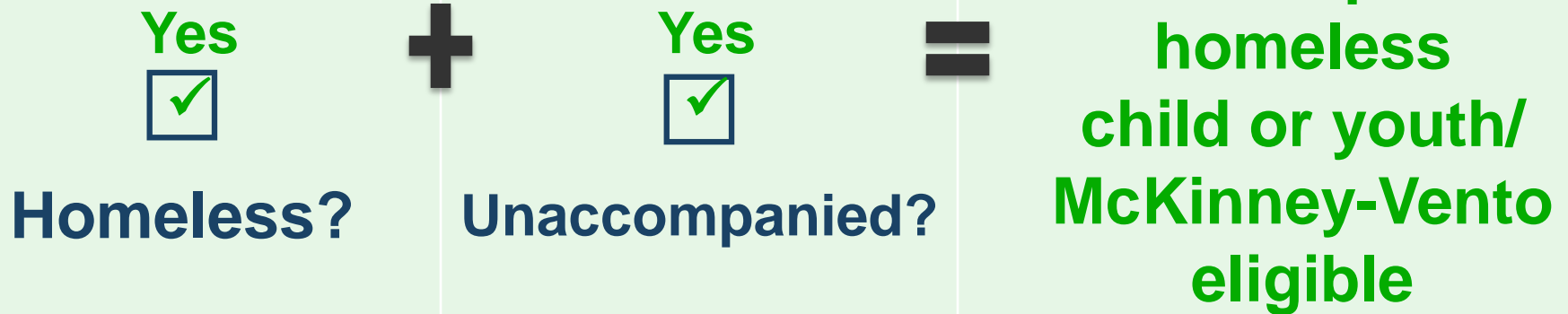
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- For any child or youth, including an unaccompanied child or youth, to be eligible for McKinney-Vento services, his/her living arrangement must meet the McKinney-Vento definition of *homeless*
- A guardianship issue alone (without homelessness) does not convey McKinney-Vento eligibility



# Scenario 1: M-V Eligible

- Student's living arrangement (1) meets the McKinney-Vento definition of *homeless* and (2) the student is not in the physical custody of a parent or guardian



The student is served under McKinney-Vento as an unaccompanied homeless youth.



# Scenario 2: Not M-V Eligible

- Student's living arrangement (1) does not meet the McKinney-Vento definition of *homeless* and (2) the student is not in the physical custody of a parent or guardian



The student is not homeless and, therefore, is not McKinney-Vento eligible. The school district should work to resolve the guardianship issue through other channels.



# Understanding Shared Housing

- Legislative wording: “sharing the housing of other persons **due to loss of housing, economic hardship, or a similar reason**”
- Considerations:
  - Why did the parties move in together? Due to a crisis or by mutual choice as a plan for mutual benefit?
  - How permanent is the living arrangement intended to be?
  - Where would the party in crisis live if not sharing housing?
  - Is the living arrangement fixed, regular, and adequate?





# Understanding Substandard Housing

- Housing standards may vary by locality
- Considerations:
  - Does the housing lack one of the fundamental utilities such as water, electricity, or heat?
  - Is the housing infested with vermin or mold?
  - Does the housing lack a basic functional part such as a working kitchen or a working toilet?



# Understanding Substandard Housing

- Does the housing present unreasonable dangers to adults, children, or persons with disabilities?
- Each city, county, or state may have its own housing codes that further define what may be deemed substandard housing

EHCY Non-Regulatory Guidance, Question A-3



# Understanding shelters and shared

- Shelters are not an option in all communities or for all families
  - Not all communities have shelters
  - Shelter demand often exceeds supply (no space available)
  - Families and youth may avoid entering shelter due to concerns regarding safety and the shelter environment
  - Shelter policies (some don't allow adolescent boys, stay limits, curfews, etc.)
- Shared housing arrangements often are unsustainable or are offered by unscrupulous hosts



# Understanding School Selection

- Students experiencing homelessness may attend either:
  - **The local attendance area school:**
    - Any public school that students living in the same attendance area are eligible to attend
  - **The school of origin:**
    - The school the child or youth attended when permanently housed; or
    - The school in which the child or youth was last enrolled



# Understanding School Selection

- Students may continue attending the school of origin the entire time they are homeless, and until the end of any school year in which they move into permanent housing
- Students who become homeless in between school years may continue attending the school of origin for the following school year



# Understanding School Selection

- Best interest: Keep homeless students in their schools of origin, to the extent feasible, unless this is against the parent's or guardian's wishes
- A school selection decision must occur; ideally, the parents/guardians/youth and school agree; if not, the dispute resolution process may be used



# Understanding Feasibility

- Considerations:

- The age of the child or youth
- The distance of a commute and the impact it may have on the student's education
- Personal safety issues
- A student's need for special instruction (e.g., special education and related services)
- The length of anticipated stay in a temporary shelter or other temporary location
- The time remaining in the school year



Question G-4, U.S. Department of Education Guidance

[www.ed.gov/programs/homeless/guidance.pdf](http://www.ed.gov/programs/homeless/guidance.pdf)



# Understanding Feasibility

- The placement determination should be a student-centered, individualized determination
- There is no time or distance limit placed on school of origin transportation; consider the unique situation of the student and how the transportation will affect the student's education



# Dispute Resolution

- If a dispute arises over **eligibility**, or school selection or school enrollment:
  - the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending **final** resolution of the dispute, **including all available appeals**
  - the parent, guardian, **or unaccompanied youth** shall be provided with a written explanation of **any decisions related to the dispute made by the school, the local educational agency, or the State educational agency involved**, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions



# Dispute Resolution

- the parent, guardian, or unaccompanied youth shall be referred to the local liaison, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute
- In the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in the requested school pending resolution of the dispute

Pub. L. No. 114-95, § 9102(5), 129 Stat. 2130 through Stat. 2131

- Students must receive all services for which they are eligible until final resolution of all disputes and appeals.

EHCY Non-Regulatory Guidance, Question K-7



# Dispute Resolution

- Section K of the EHCY Non-Regulatory Guidance addresses the issue of Dispute Resolution, including:
  - Best practices for developing a fair, timely, and effective DR process
  - Best practices for developing a DR process that is accessible to families
  - Minimum standards for what is included in the written notice
  - What types of situations fall outside the parameters of the McKinney-Vento DR process
  - Implementing an informal process as an alternative to formal appeals, while still providing access to the formal process, as needed



# Enrollment

- States and districts must develop, review, and revise policies to remove barriers to the school enrollment and retention of homeless children and youth
- McKinney-Vento defines enrollment as attending classes and participating fully in school activities
- The McKinney-Vento Act (federal law) supersedes state or local law or policy when there is a conflict (U.S. Constitution, Article VI)



# Enrollment

- Homeless children and youth have the right to enroll in school immediately, even if lacking documentation normally required for enrollment
- If a child or youth needs to obtain immunizations, or immunization or medical records, the enrolling school must refer the parent or guardian immediately to the local liaison, who must assist in obtaining necessary immunizations, or immunization or medical records; the school must continue the child's enrollment in the meantime



# Access to Services

- Students experiencing homelessness must have access to all educational services for which they are eligible
- Undocumented children and youth are covered by the McKinney-Vento Act just as other students
- Liaisons and shelter directors can secure free school meals for students by providing student names and effective dates





# Choose it or Lose it

Imagine you and your family were just told that you have 10 minutes to vacate your home. You can take only what you can fit into a backpack.

What things would you take?

What things would be hard to leave behind?



# Discussion Questions

Why did you choose the items you took and left behind?

How did it feel to make your choices?

How will you do without the things you left behind?

Where will you get the things you need but no longer have?



# Resources

- Free professional development: National Center for Homeless Education (NCHE) - [www.serve.org/nche](http://www.serve.org/nche)
- National Assoc. for the Education of Homeless Children and Youth: [www.naehcy.org](http://www.naehcy.org)
- National Law Center on Homelessness and Poverty: [www.nlchp.org](http://www.nlchp.org)



# Title I-A LEA Set-Aside for Homeless Education

- Provide health and mental health services, not just referrals;
- Pay fees for testing AP, IB, ACT, SAT and GED;
- Buy clothing for uniforms and PE;
- Fund an LEA homeless liaison;
- Provide Title I services and/or additional tutoring;
- And more.



# Appropriate Expenditures for Title IA Set Asides

- ✓ Additional instructional services in Title I schools or non-Title I schools
- ✓ Tutoring programs in shelters
- ✓ Eyeglasses
- ✓ Birth certificates
- ✓ Field trips
- ✓ Uniforms



# McKinney-Vento

## Requirements of all LEAs

- Designate a district homeless liaison;
- Responsibilities
  - Conduct annual training for all district and school staff and outreach to community groups;
  - Identify homeless students: case-by-case determination; immediate enrollment;
  - Provide transportation to school of origin upon request;
  - Identify barriers and help develop policies and procedures to remove those barriers.



# Liaison's responsibilities, cont.

- Inform parents, guardians, or youth of educational rights, including school of origin and transportation, and the dispute resolution process
- Post public notice of educational rights
- Resolve disputes
- Collaborate with programs and agencies in the school district and in the community
- Make referrals for educational and health services;
- Coordinate with housing and social service agencies;



# These posters must be placed in an obvious location in EVERY school building and throughout the community

## Information for Parents

### If your family lives in any of the following situations:

- In a shelter, motel, vehicle, or campground
- On the street
- In an abandoned building, trailer, or other inadequate accommodations, or
- Doubled up with friends or relatives because you cannot find or afford housing

**Then, your preschool-aged and school-aged children have certain rights or protections under the McKinney-Vento Homeless Education Assistance Act.**

### Your children have the right to:

- Go to school, no matter where you live or how long you have lived there. They must be given access to the same public education, including preschool education, provided to other children.
- Continue in the school they attended before you became homeless or the school they last attended, if that is your choice and is feasible. If a school sends your child to a school other than the one you request, the school must provide you with a written explanation and offer you the right to appeal the decision.
- Receive transportation to the school they attended before your family became homeless or the school they last attended, if you or a guardian request such transportation.
- Attend a school and participate in school programs with children who are not homeless. Children cannot be separated from the regular school program because they are homeless.
- Enroll in school without giving a permanent address. Schools cannot require proof of residency that might prevent or delay school enrollment.
- Enroll and attend classes while the school arranges for the transfer of school and immunization records or any other documents required for enrollment.
- Enroll and attend classes in the school of your choice even while the school and you seek to resolve a dispute over enrolling your children.

### When you move, you should do the following:

- Contact the school district's local liaison for homeless education (see phone number below) for help in enrolling your child in a new school or arranging for your child to continue in his or her former school. (Or, someone at a shelter, social services office, or the school can direct you to the person you need to contact.)
- Contact the school and provide any information you think will assist the teachers in helping your child adjust to new circumstances.
- Ask the local liaison for homeless education, the shelter provider, or a social worker for assistance with clothing and supplies, if needed.

#### Local Area Contacts:

#### State Coordinator:

If you need further assistance, call the  
National Center for Homeless Education  
at the toll-free HelpLine number:

**1-800-368-2145**



## Information for School-Aged Youth

### If your family lives in any of the following situations:

- In a shelter, motel, vehicle, or campground
- On the street
- In an abandoned building, trailer, or other inadequate accommodations, or
- Doubled up with friends or relatives because you cannot find or afford housing

**Then, you have certain rights or protections under the McKinney-Vento Homeless Education Assistance Act.**

### You have the right to:

- Go to school, no matter where you live or how long you have lived there. You must be given access to the same public education provided to other students.
- Continue in the school you attended before you became homeless or the school you last attended, if that is your choice and is feasible. The school district's local liaison for homeless education must assist you, if needed, and offer you the right to appeal a decision regarding your choice of school if it goes against your wishes.
- Receive transportation to the school you attended before you became homeless or the school you last attended, if you request such transportation.
- Attend a school and participate in school programs with students who are not homeless. Students cannot be separated from the regular school program because they are homeless.
- Enroll in school without giving a permanent address. Schools cannot require proof of residency that might prevent or delay school enrollment.
- Enroll and attend classes while the school arranges for the transfer of school and immunization records or any other documents required for enrollment.
- Enroll and attend classes in the school of your choice even while the school and you seek to resolve a dispute over enrollment.
- Receive the same special programs and services, if needed, as provided to all other students served in those programs.

### When you move, you should do the following:

- Contact the school district's local liaison for homeless education (see phone number below) for help in enrolling in a new school or arranging to continue in your former school. (Or, someone at a shelter, social services office, or the school can direct you to the person you need to contact.)
- Tell your teachers anything that you think they need to know to help you in school.
- Ask the local liaison for homeless education, the shelter provider, or a social worker for assistance with clothing and supplies, if needed.

#### Local Area Contacts:

#### State Coordinator:

If you need further assistance, call the  
National Center for Homeless Education  
at the toll-free HelpLine number:  
**1-800-368-2145**





# Next Steps for Title VII-B

1. Meet with your Liaison and see how you can help
2. Make sure your posters are updated and posted in appropriate locations.

Questions or Technical assistance  
Please contact me:

Tina Naillon

Title VII-B Homeless Coordinator

208-332-6904 [Tmnaillon@sde.idaho.gov](mailto:Tmnaillon@sde.idaho.gov)

